IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 1757 OF 1998

Lucky House Bhadut Mandal... ... Petitioner.
Versus
H.H.Sardar Syedna Mohmed Burhannudin Saheb, Sole Trustee of Dawat-E-Hodiya and others..... Respondents.

Mr.Sanjay Bhatia for the petitioner.
Mr.Y.H.Muchhala with Ms.Hansa Advani i/by M/s.Mulla & Mulla & C.B.& Caroe for Respondent No.1.
Mr. D.F.Sharma i/by M/s.Dharam & Co., for Respondent No.2.
Mr. U.J.Makhija with Mr. M.N.Manjra i/by M/s. Mulla & Mulla & C.B.& Caroe for Respondent No.3.
Mr. K.R.Belosey, Officiating Government Pleader, for Respondent No.4.
Mr. Rajiv Chavan with Mrs. Rutuja Ambekar i/by Dr.T.C.Kaushik for Respondent No.5.

CORAM : R. M. LODHA, and SMT.NISHITA MHATRE, JJ.

DATED : 12TH JANUARY, 2007.

P.C.:

In view of the objection raised by Mr. Y. H. Muchhala, Senior Counsel for the Respondent No.1, that the writ petition involves disputed questions of facts which cannot be conveniently determined in the extra ordinary jurisdiction, Mr. Sanjay Bhatia, Counsel for the petitioner, after seeking instructions from Mr.

Vipin Mehta, Joint Secretary of the petitioner Mandal, prays for withdrawal of this writ petition with liberty to file civil suit. The Counsel for the petitioner also prays that the time consumed in pursuing the writ petition from the date of the filing of the writ petition until today be ordered to be excluded while computing limitation in the suit.

2. The prayer made by the Counsel for the petitioner is fair and reasonable.

3. We, accordingly, allow the writ petition to be withdrawn with liberty to the petitioner to pursue ordinary civil remedy of the suit for redressal of their grievance. The time taken from 27th August, 1998 to 12th January, 2007 shall be excluded in computing the limitation for the suit that may be filed by the petitioner.

4. Order accordingly.

Sd/-

(R. M. LODHA, J.)

Sd/-

(SMT.NISHITA MHATRE, J.)